



STATE OF CONNECTICUT

DEPARTMENT OF SOCIAL SERVICES

OFFICE OF LEGAL COUNSEL, REGULATIONS, AND ADMINISTRATIVE HEARINGS
55 FARMINGTON AVENUE • HARTFORD, CONNECTICUT 06105

To: Department of Social Services Staff

From: Sonia Asare, Legal Director

Date: January 9, 2019

Re: Acceptance of Service of Legal Documents

This memo revises policy concerning the acceptance of service of subpoenas by DSS staff, issued on July 30, 2015, and provides guidance concerning acceptance of other legal documents. As will be described in more detail below, DSS staff should never accept service of a Summons and Complaint. For subpoenas, the general rule is to accept service ONLY if the subpoena names you personally or, for designated staff, if it is directed to the agency itself or the Keeper of the Records.

Summons & Complaint: A Summons is an order for someone to appear in court. A Complaint is the document that explains the basis of the lawsuit. **DSS staff may never accept service of a Summons and Complaint, regardless of the type of action.** Instead, staff must inform the marshal that DSS is not authorized to accept process in a civil action against the state or its officials and suggest that the marshal contact the attorney or individual who drafted the summons and complaint to determine who is authorized to accept process. This includes a Summons & Complaint that is a Probate Appeal. Attached is a sample Summons and Complaint (Attachment 1).

Administrative Appeal: Although most administrative appeals are served through the mail, DSS staff may accept service of administrative appeals that are served by the marshal. (Attachment 2). If you accept service of an administrative appeal, or you receive an administrative appeal in the mail, please scan or fax it immediately to me (Sonia.Asare@ct.gov, Fax number 860-424-5403).

IMPORTANT: Field offices and Central Office must designate specific individuals to respond to security staff when a marshal comes to serve a summons and complaint or an administrative appeal. When that person goes to meet the marshal, he or she should state affirmatively that he or she is not accepting service but merely reviewing the document to determine if it is an administrative appeal, in which case the staff member may accept service.

Subpoenas: A subpoena is a legal document that requires a person to provide testimony or produce documents for a legal proceeding. With the limited exception for staff in Central Office who are authorized to accept service on behalf of the Commissioner or Deputy Commissioners, **staff should never accept a subpoena on behalf of another staff member.**

For a subpoena addressed to an individual employee, security staff will call the individual who the marshal is attempting to serve and ask that person to come accept service from the marshal. If the security staff can't reach the employee, they will provide the marshal with the employee's office telephone number to allow the marshal to schedule a day and time to serve the individual. If a subpoena is directed to you, you must accept it.

Designated staff may accept service of a subpoena directed to "DSS," the "Department of Social Services" and the "Keeper of the Records." Attached is a sample subpoena (Attachment 3).

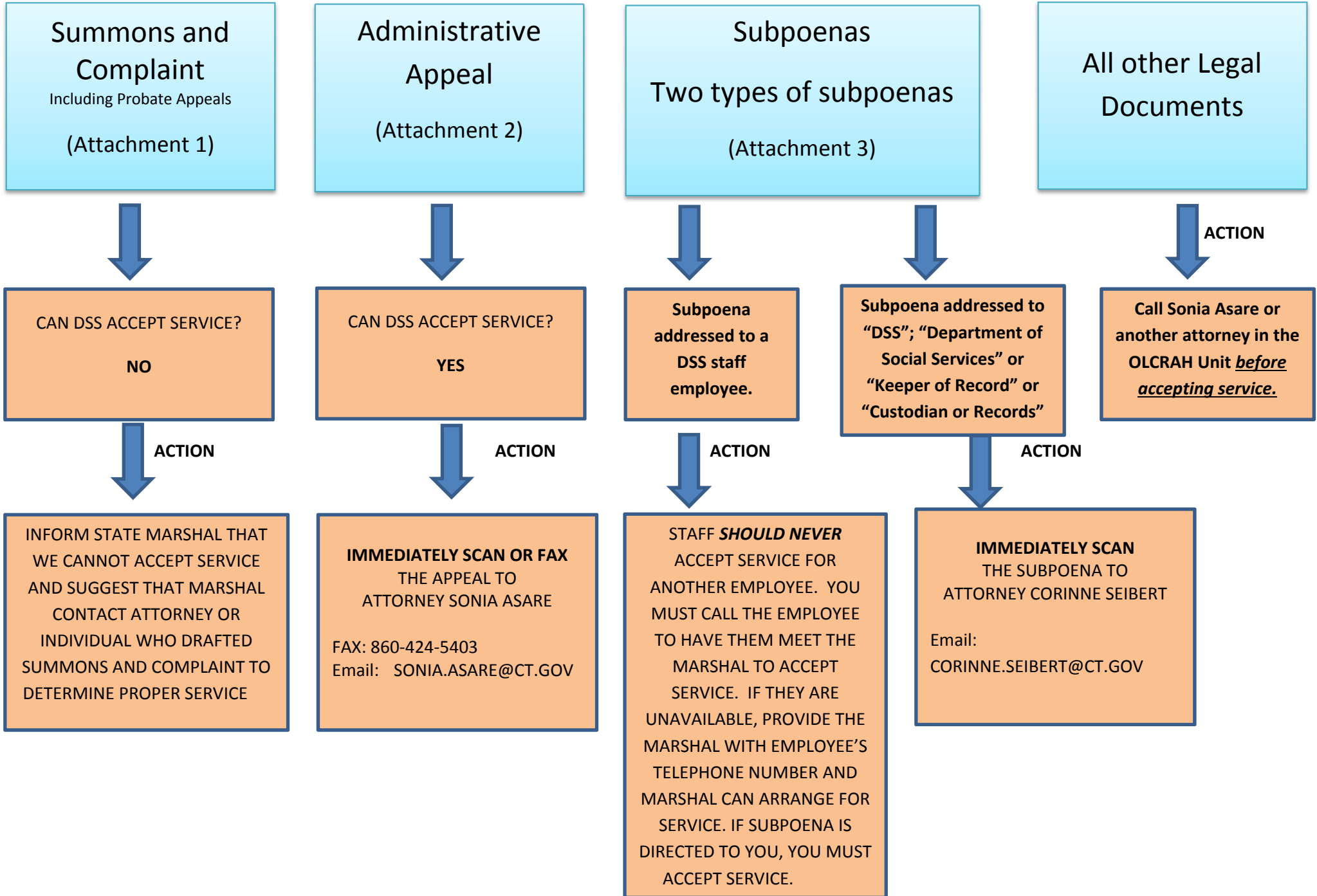
Upon receipt of a subpoena, please scan it and send it immediately to Corinne Seibert (Corinne.Seibert@ct.gov). She will assist you with your response to the subpoena.

For all legal documents, if you have any questions about whether to accept service, please contact me or another attorney within our unit ***before accepting service.***

Thank you.

Attachments

ACCEPTANCE OF LEGAL DOCUMENTS AT DSS



Attachment 1

SUMMONS - CIVIL

JD-CV-1 Rev. 4-16
 C.G.S. §§ 51-346, 51-347, 51-349, 51-350, 52-45a,
 52-48, 52-259, P.B. §§ 3-1 through 3-21, 8-1, 10-13

STATE OF CONNECTICUT
SUPERIOR COURT

www.jud.ct.gov



See other side for instructions

- "X" if amount, legal interest or property in demand, not including interest and costs is less than \$2,500.
- "X" if amount, legal interest or property in demand, not including interest and costs is \$2,500 or more.
- "X" if claiming other relief in addition to or in lieu of money or damages.

TO: Any proper officer; BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of this Summons and attached Complaint.

Address of court clerk where writ and other papers shall be filed (Number, street, town and zip code) (C.G.S. §§ 51-346, 51-350)		Telephone number of clerk (with area code) ()	Return Date (Must be a Tuesday) _____, 2_____, 2_____ Month Day Year
<input type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session	<input type="checkbox"/> G.A. Number.	At (Town in which writ is returnable) (C.G.S. §§ 51-346, 51-349)	Case type code (See list on page 2) Major: _____ Minor: _____

For the Plaintiff(s) please enter the appearance of:

Name and address of attorney, law firm or plaintiff if self-represented (Number, street, town and zip code)		Juris number (to be entered by attorney only)
Telephone number (with area code) ()	Signature of Plaintiff (If self-represented)	
The attorney or law firm appearing for the plaintiff, or the plaintiff if self-represented, agrees to accept papers (service) electronically in this case under Section 10-13 of the Connecticut Practice Book. <input type="checkbox"/> Yes <input type="checkbox"/> No		Email address for delivery of papers under Section 10-13 (if agreed to)

Number of Plaintiffs:	Number of Defendants:	<input type="checkbox"/> Form JD-CV-2 attached for additional parties
-----------------------	-----------------------	---

Parties	Name (Last, First, Middle Initial) and Address of Each party (Number; Street; P.O. Box; Town; State; Zip; Country, if not USA)	
First Plaintiff	Name: Address:	P-01
Additional Plaintiff	Name: Address:	P-02
First Defendant	Name: Address:	D-01
Additional Defendant	Name: Address:	D-02
Additional Defendant	Name: Address:	D-03
Additional Defendant	Name: Address:	D-04

Notice to Each Defendant

1. **YOU ARE BEING SUED.** This paper is a Summons in a lawsuit. The complaint attached to these papers states the claims that each plaintiff is making against you in this lawsuit.
2. To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address on or before the second day after the above Return Date. The Return Date is not a hearing date. You do not have to come to court on the Return Date unless you receive a separate notice telling you to come to court.
3. If you or your attorney do not file a written "Appearance" form on time, a judgment may be entered against you by default. The "Appearance" form may be obtained at the Court address above or at www.jud.ct.gov under "Court Forms."
4. If you believe that you have insurance that may cover the claim that is being made against you in this lawsuit, you should immediately contact your insurance representative. Other action you may have to take is described in the Connecticut Practice Book which may be found in a superior court law library or on-line at www.jud.ct.gov under "Court Rules."
5. If you have questions about the Summons and Complaint, you should talk to an attorney quickly. **The Clerk of Court is not allowed to give advice on legal questions.**

Signed (Sign and "X" proper box)	<input type="checkbox"/> Commissioner of the Superior Court	Name of Person Signing at Left	Date signed
	<input type="checkbox"/> Assistant Clerk		

If this Summons is signed by a Clerk: a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts. b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law. c. The Clerk is not permitted to give any legal advice in connection with any lawsuit. d. The Clerk signing this Summons at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in the Summons, any allegations contained in the Complaint, or the service of the Summons or Complaint.	For Court Use Only
	File Date

I certify I have read and understand the above:	Signed (Self-Represented Plaintiff)	Date	Docket Number
---	-------------------------------------	------	---------------

Attachment 2

ADMINISTRATIVE APPEAL UNDER GENERAL STATUTES SECTION 4-183 — CITATION

(For use when service is made by a proper officer or indifferent person)

JD-CV-138 Rev. 10-15
C.G.S. § 4-183; P.B. § 14-7A

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



Instructions to Person Appealing Decision :

1. Type or print legibly; sign the form. The Judicial District you name in the Citation must be the Judicial District of New Britain or Judicial District that the person who has filed the Appeal resides in.
2. Attach the original Appeal to the original Citation form.
3. If you are a self-represented plaintiff, bring the Citation and Appeal to a clerk of court for the Judicial District you name in the Citation. The clerk will review the Citation and, if it is complete, will sign it.
4. Give the Citation and Appeal to a proper officer or indifferent person to be served on each defendant.
5. After service has been made by a proper officer or indifferent person, file the Citation and Appeal and the Officer's Return with the clerk of court for the Judicial District you name in the Citation.

ADA NOTICE

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

To Any Proper Officer or Indifferent Person:

By the authority of the State of Connecticut, you are commanded to serve, according to law, a copy of the Appeal and this Citation by personal service on the agency that made the decision that is being appealed at the address of the agency or, if allowed by law, at the Office of the Attorney General, 55 Elm Street, Hartford, Connecticut. Also serve, according to law, a copy of the Appeal and this Citation on each party named as a defendant in this appeal, at the address provided on this form.

Name of case (Plaintiff v. Defendant)		Case type code (See reverse for codes)
Judicial District		Major: Minor:
Address of Court		Telephone number of Court (with area code)

Number of Plaintiffs: _____ Number of Defendants: _____ Form JD-CV-2 attached for additional parties

Parties	Name (Last, First, Middle Initial) and Address of Each party (Number; Street; P.O. Box; Town; State; Zip; Country, if not USA)	
First Plaintiff	Name: Address:	P-01
Additional Plaintiff	Name: Address:	P-02
First Defendant	Name: Address:	D-01
Additional Defendant	Name: Address:	D-02
Additional Defendant	Name: Address:	D-03
Additional Defendant	Name: Address:	D-04

Notice To Defendant

1. The Plaintiff will file the attached Appeal of a final administrative decision. The Appeal attached to these papers states the claims that each Plaintiff is making.
2. **To be notified of further proceedings, you or your attorney must file a form called an "Appearance" with the clerk of the above-named Court at the above Court address within thirty (30) days of service of this Citation and Appeal. You do not have to come to court on that date unless you receive a separate notice telling you to come to court.**
3. If you do not file an "Appearance" in a timely manner, the Court is authorized to enter a sanction against you.
4. The "Appearance" form may be obtained at the Court address above or at www.jud.ct.gov under "Court Forms."
5. If you have questions about the Citation and the Appeal, you should talk to an attorney quickly. **The Clerk of Court is not allowed to give advice on legal questions.**

Signed (Sign and "x" proper box)	<input type="checkbox"/> Commissioner of the Superior Court <input type="checkbox"/> Assistant Clerk	Name of person signing at left	Date
----------------------------------	---	--------------------------------	------

If this Citation is signed by a clerk:

- a. The signing has been done so that the Plaintiff(s) will not be denied access to the courts.
- b. It is the responsibility of the Plaintiff(s) to see that service is made in the manner provided by law.
- c. The Clerk is not permitted to give any legal advice in connection with any lawsuit.
- d. The Clerk signing this Citation at the request of the Plaintiff(s) is not responsible in any way for any errors or omissions in anything contained in the Appeal, or the service of the Citation or Appeal.

For Court Use Only

File Date

I certify I have read and understand the above:	Signed (Self-Represented Plaintiff)	Date	Docket number
---	-------------------------------------	------	---------------

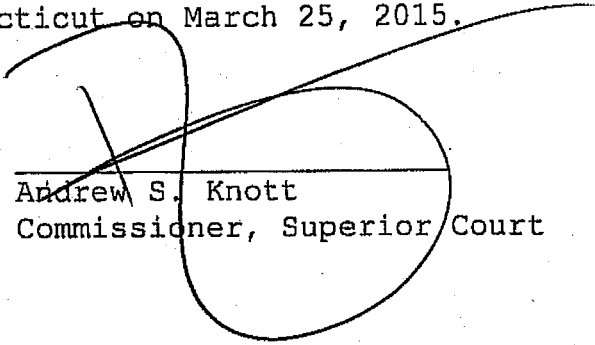
RETURN DATE: APRIL 28, 2015 : SUPERIOR COURT
: :
[REDACTED], CONSERVATRIX : J.D. OF NEW BRITAIN
: :
V. : AT NEW BRITAIN
: :
STATE OF CONNECTICUT, DEPT. : MARCH 25, 2015
OF SOCIAL SERVICES, RODERICK :
L. BREMBY, COMMISSIONER :

SUMMONS AND CITATION

The Connecticut Department of Social Services, by and through its Commissioner, Roderick L. Bremby, is hereby summoned to appear before the Superior Court for the Judicial District of Hartford at Hartford on the 24th of March, 2015, then and there to answer within the attached Appeal of [REDACTED], in her capacity as conservatrix, of a decision of said Department of Social Services.

John K. Knott, Jr. of Knott & Knott, LLC, 325 South Main Street, Cheshire, Connecticut is recognized to prosecute in the amount of \$250.00.

Dated at Cheshire, Connecticut on March 25, 2015.



Andrew S. Knott
Commissioner, Superior Court

RETURN DATE: APRIL 28, 2015 : SUPERIOR COURT
: J.D. OF NEW BRITAIN
[REDACTED], CONSERVATRIX :
: AT NEW BRITAIN
V. :
: MARCH 25, 2015
STATE OF CONNECTICUT, DEPT. :
OF SOCIAL SERVICES, RODERICK :
L. BREMBY, COMMISSIONER :

ADMINISTRATIVE APPEAL

Introduction and Immediate Procedural History

1. Herein, Plaintiff appeals a Notice of Decision ("Decision") of the Connecticut Department of Social Services ("DSS") pursuant to a fair hearing.
2. The Decision is dated February 20, 2015, and attached as per Exhibit A.
3. The Decision was rendered as a result of hearing request # [REDACTED] pertaining to client ID # [REDACTED] whose name is [REDACTED].

Parties

4. The following persons are parties to this appeal:
 - A. [REDACTED] (" [REDACTED]"), [REDACTED] conservatrix, is appellant; and
 - B. DSS, acting by and through its commissioner, Roderick L. Bremby, being the state agency charged with administering what are commonly referred to as "Title XIX" or "Medicaid" benefits, is appellee;

Attachment 3

**SUBPOENA — CIVIL/HOUSING/SMALL CLAIMS/FAMILY/
FAMILY SUPPORT MAGISTRATE/CRIMINAL/MOTOR VEHICLE**

JD-CL-43 Rev. 12-15
C.G.S. § 52-143, 52-144; P.B. §§ 7-19, 24-22

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



Instructions:

1. Do **Not** use this subpoena if the witness is being summoned by the state or by the attorney general or an assistant attorney general or by any public defender or assistant public defender acting in his/her official capacity.
2. The person being subpoenaed and the items they are ordered to bring as listed below must be identical to the names and items as ordered on the Application for Issuance of Subpoena, form JD-CL-136 (if applicable).

Court Use Only
SUBISSU

Name of Case (Full name of Plaintiff v. Full name of Defendant)	Docket Number
---	---------------

<input type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session Geographical Area Number _____ <input type="checkbox"/> Small Claims Area	Address of Court (Number, street, town and zip code)
--	--

To: (Name and address)

Date and time you are to come to court Time _____ . m.	Report to
	<input type="checkbox"/> Clerk's office <input type="checkbox"/> Courtroom number _____ <input type="checkbox"/> Person requesting subpoena

By Authority of The State of Connecticut, you are commanded to come to the court at the Address of Court above on the Date and Time indicated above or to another day after (within 60 days of the Date indicated above) when the case will be tried; you must come to the court to testify what you know in the case.

You Are Further Commanded To Bring With You And Produce:

Hereof Fail Not, Under Penalty Of The Law.

To any proper officer or indifferent person to serve and return.

Name of person requesting subpoena		Phone number (with area code)	
Signed (Clerk, Commissioner of Superior Court)	Print or type name	Date	At

Notice To The Person Summoned

If you do not come to court on the day and at the time stated, or on the day and at the time which your appearance may have been postponed or continued to by order of an officer of the court, the court may order that you be arrested. Also, if one day's attendance and traveling fees have been paid to you and you do not come to court and testify, without reasonable excuse, you will be fined not more than \$25.00 (twenty-five dollars) and pay all damages to the aggrieved party. **The party requesting the subpoena is responsible for paying the witness fees.**

Any questions regarding this subpoena should be directed to the person who requested it.

Phone number (with area code): _____

ADA NOTICE
The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA .

Return Of Service

Judicial District of _____ ss.	Date
Then and there I made service of the within subpoena not less than eighteen hours prior to the time designated for the person summoned to appear, by reading the same in the presence and hearing/leaving a true and attested copy hereof in the hands/at the last usual place of abode of each of the within-named persons, viz:	Fees
	Copy
	Endorsement
	Service
	Travel (Show miles & amount)
Attest (Signature of proper officer or indifferent person)	Title (if applicable)
Total	

Distribution: Original - Return to clerk after making service Copy 1 - Witness Copy 2 - Court file

SUBPOENA DUCES TECUM

To: Custodian of Records
Connecticut Clean Energy Fund
865 Brook Street
Rocky Hill, CT 06067

BY THE AUTHORITY OF THE STATE OF CONNECTICUT, You are hereby
commanded to appear at the Connecticut Siting Council, 10 Franklin Square, New Britain, CT
06051 **on March 15th, 2011 at 12:00 p.m.**, or to such day thereafter and within sixty days
hereof on which the matter is pending, to testify what you know in **Docket/Petition No. 980**
currently pending before the **Connecticut Siting Council**:

**Petition of BNE Energy Inc. for a Declaratory Ruling for the Location, Construction and
Operation of a 3.2 MW Wind Renewable Generating Project on New Haven Road in
Prospect, Connecticut**

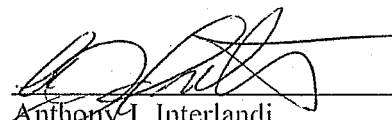
And, you are further commanded to produce the documents set forth in **Schedule A**
attached hereto to Save Prospect Corp. and/or its attorneys at the next scheduled hearing at the
Connecticut Siting Council in this matter, the date and time of which is referenced above.

To be used in evidence in the proceeding hereof.

HEREOF FAIL NOT, UNDER PENALTY OF THE LAW.

To any proper officer or indifferent person to serve and return.

Dated at Waterbury, Connecticut, on March 11, 2011.



Anthony J. Interlandi
Commissioner of the Superior Court
Tinley, Nastri, Renehan & Dost, LLP
(203) 596-9030